

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2005-0397, Renee Powers v. LAM Brothers d/b/a Dynasty Chinese Restaurant, the court on August 16, 2006, issued the following order:

The plaintiff, Renee Powers, appeals an order of the trial court denying her motion to set aside the verdict and motion for judgment NOV. She argues that the trial court erred in giving a comparative negligence instruction and in denying her motion in limine which sought to exclude a notation in her medical records “drank a 12 pack.” We affirm.

Contrary to the plaintiff’s assertion, Townsend v. Legere, 141 N.H. 593 (1997), does not support her position that the trial court erred in giving a comparative negligence instruction. In this case, the record contained sufficient evidence of the plaintiff’s conduct on the night in question to support the instruction. See id. at 594; RSA 507:7-d (1997); Bohan v. Ritzo, 141 N.H. 210, 216-17 (1996).

Nor do we find any error in the trial court’s admission of the notation in the plaintiff’s medical records. See Kelleher v. Marvin Lumber & Cedar Co., 152 N.H. 813, 832 (2005); N.H. R. Ev. 803(4); cf. 5 Weinstein’s Federal Evidence § 803.06 [5] (2d ed. 2006).

Affirmed.

BRODERICK, C.J., and DALIANIS and GALWAY, JJ., concurred.

**Eileen Fox,
Clerk**